

AMENDED IN SENATE APRIL 25, 2005

SENATE BILL

No. 1056

Introduced by Senator Florez

February 22, 2005

An act to ~~amend Section 42300 of~~ *add Section 41855.4 to the* Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1056, as amended, Florez. ~~Air pollution: districts: permits: quality: agricultural burning.~~

Existing law prohibits any person from knowingly setting or permitting agricultural burning unless he or she has a valid permit issued by an agency designated by the State Air Resources Board to issue a permit in the area where the burning is to take place. Existing law requires the board to designate public fire protection agencies or other equivalent agencies to issue permits, and to adopt rules and regulations to provide a procedure for the issuance of those permits. Existing law prohibits the issuance of permits to burn certain categories of agricultural waste, as defined, within the jurisdiction of the San Joaquin Valley Unified Air Pollution Control District, commencing on the date specified for each category.

This bill would impose a state-mandated local program by requiring the San Joaquin Valley Unified Air Pollution Control District to submit on or before July 1, 2006, a report to the Legislature regarding the feasibility of adopting concrete and easily administered incentives to accomplish the objectives.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs maintained by the state. Statutory provisions establish procedures for making that

reimbursement. This bill would provide that no reimbursement is required by this act for specified reasons.

This bill would make findings and declarations regarding the inapplicability of a general statute within the meaning of Section 16 of Article IV of the California Constitution.

~~(1) Existing law authorizes an air pollution control district board or air quality management district board to establish, by regulation, a permit system that requires a person to obtain a permit before the person builds, erects, alters, replaces, operates, or uses any article, machine, equipment, or other contrivance that may release air contaminants. Existing law authorizes the regulations to provide that a permit is valid only for a specified period.~~

~~This bill would require, rather than permit, every district board to establish, by regulation, a permit system, and would require the regulations to provide that a permit is valid only for a specified period.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 41855.4 is added to the Health and
- 2 Safety Code, to read:
- 3 41855.4. (a) It is the intent of the Legislature to accomplish
- 4 all of the following:
- 5 (1) To reduce air pollution and protect the public health in the
- 6 San Joaquin Valley Unified Air Pollution Control District by
- 7 offering new incentives to growers that will avoid open field
- 8 burning, preserve prime agricultural land, and have no effect on
- 9 the state budget.
- 10 (2) To provide assistance to growers in complying with the
- 11 requirements of Section 41855.5 in a manner that preserves
- 12 prime agricultural land and avoids the impacts on air quality
- 13 associated with the industrialization and urbanization of prime
- 14 agricultural land.

1 (3) *To indirectly support the state's need for renewable*
2 *energy, through biomass conversion by making the incentives*
3 *earned by growers contingent on the conversion of qualified*
4 *agricultural biomass to renewable electrical energy produced by*
5 *a biomass-to-energy facility.*

6 (4) *To increase the amount of qualified agricultural biomass*
7 *used as fuel in the district so as to economically displace a*
8 *portion of the biomass fuel that is hauled long distances from*
9 *outside the San Joaquin Valley Unified Air Pollution Control*
10 *District's boundaries from nonagricultural sources, and to*
11 *diminish the amount of methane and nonmethane volatile*
12 *organic and greenhouse gas releases associated with land*
13 *application of biomass waste.*

14 (b) *The San Joaquin Valley Unified Air Pollution Control*
15 *District shall, on or before July 1, 2006, report to the Legislature*
16 *regarding the feasibility of adopting concrete and easily*
17 *administered incentives to accomplish the objectives set forth in*
18 *subdivision (a). The district shall use existing resources to*
19 *provide the report.*

20 ~~SECTION 1. Section 42300 of the Health and Safety Code is~~
21 ~~amended to read:~~

22 ~~42300. (a) Every district board shall establish, by regulation,~~
23 ~~a permit system that requires, except as otherwise provided in~~
24 ~~Section 42310, that before any person builds, erects, alters,~~
25 ~~replaces, operates, or uses any article, machine, equipment, or~~
26 ~~other contrivance which may cause the issuance of air~~
27 ~~contaminants, the person obtain a permit to do so from the air~~
28 ~~pollution control officer of the district.~~

29 ~~(b) The regulations shall provide that a permit shall be valid~~
30 ~~only for a specified period. However, the expiration date of any~~
31 ~~permit shall be eligible for extension upon completion of the~~
32 ~~annual review required pursuant to subdivision (c) of Section~~
33 ~~42301 and payment of the fees required pursuant to Section~~
34 ~~42311, unless the air pollution control officer or the hearing~~
35 ~~board has initiated action to suspend or revoke the permit~~
36 ~~pursuant to Section 42304, 42307, or 42309, that action has~~
37 ~~resulted in a final determination by the officer or the board to~~
38 ~~suspend or revoke the permit, and all appeals have been~~
39 ~~exhausted or the time for appeals from that final determination~~
40 ~~has been exhausted.~~

1 ~~(e) The annual extension of a permit's expiration date pursuant~~
2 ~~to subdivision (b) does not constitute permit issuance, renewal,~~
3 ~~reopening, amendment, or any other action subject to the~~
4 ~~requirements specified in Title V.~~

5 SEC. 2. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 a local agency or school district has the authority to levy service
8 charges, fees, or assessments sufficient to pay for the program or
9 level of service mandated by this act, within the meaning of
10 Section 17556 of the Government Code.

11 SEC. 3. *The Legislature finds and declares that a special*
12 *statute is necessary and that a general law cannot be made*
13 *applicable within the meaning of Section 16 of Article IV of the*
14 *California Constitution because of the unique agricultural use of*
15 *land within the San Joaquin Valley Unified Air Pollution Control*
16 *District.*